

REMARKS

Claims 1-21 are pending in this application, of which claims 5, 10 and 17 have been amended. No new claims have been added.

The Examiner has rejected the claims as follows:

1. Claims 1-3, 8 and 12 under 35 U.S.C. § 102(b) as anticipated by **JP '918** (previously applied);
2. Claims 5, 10, 17 and 21 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 2,989,943 to Fitzgerald et al. (hereafter, "**Fitzgerald et al.**");
3. Claims 4, 9 and 13 under 35 U.S.C. § 103(a) as unpatentable over **JP '918**;
4. Claims 1, 6-8, 11, 15 and 19 under 35 U.S.C. § 103(a) as unpatentable over **Fitzgerald et al.** in view of **JP '918**;
5. Claims 14 and 18 under 35 U.S.C. § 103(a) as unpatentable over **JP '918** in view of U.S. Patent 1,931,610 to Johnstone (hereafter, "**Johnstone**"); and
6. Claims 16 and 20 under 35 U.S.C. § 103(a) as unpatentable over **Fitzgerald et al.** in view of **Johnstone**.

Applicants respectfully traverse these rejections.

Fitzgerald et al. discloses an apparatus for applying code markings of different colors onto articles of indefinite length.

FIG. 2 shows rotating wheels 20, 21 disposed on opposite sides of the path of longitudinal movement of the strand 17, where the wheels are longitudinally off-set with relation

to each other for applying the colored markings 15 to the conductor. Another pair of wheels 22, 23 apply colored markings 16 in a similar manner.

This is in contrast to the present invention as shown in FIG. 9, in which a pair of nozzles 31, 31 apply the coloring agent to the wire straight downward under pressure. The nozzles 31, 31 are arranged in parallel and are oriented in the same direction, in contrast to the rotating wheels 20-23, which are arranged in pairs on opposite sides of the wire (strand).

Accordingly, claims 5, 10 and 17 have been amended to recite this distinction.

Johnstone has been cited for teaching a cable comprising coloring marks, wherein the coloring material is a liquid material dissolving and dispersing color material in a solvent (page 1, lines 57-65).

Johnstone, like **Fitzgerald et al.** discussed above, fails to teach, mention or suggest the features recited in the proposed amendments to claims 5 and 10, from which these claims respectively depend.

Thus, the 35 U.S.C. § 102(b) and 35 U.S.C. § 103(a) rejections should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-21, as amended, are in condition for allowance, which action, at an early date, is requested.


If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. **10/536,458**
Response to Office Action dated July 17, 2006

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Enclosures: Petition for Extension of Time
Check in the amount of \$450.00

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